HIGH COURT OF CHHATTISGARH AT BILASPUR

(157)

W. P. No. 5437 of 2005

Petitioners

1. Roselene Ramdas Pillai, aged about 50 years, daughter of Late Ramdas Pillai, occupation – Retired Nursing Sister, Caste- Christian, resident of Tikarapara, Bilaspur (C.G.)

2. Rafeeque Memon, son of late Abdul Shakoor Memon, aged about 40 years, occupation – Government Servant (Teacher), resident of Shailendra Apartment, Om Nagar, Jarhabhata, Bilaspur.

3. Kalyani Verma, daughter of J.L.Verma, aged about 29 years, occupation – Nil, resident of Shailendra Apartment, Om Nagar, Jarhabhata, Bilaspur (CG)

4. Smt. Pramila Khakha, wife of Shri Ramneek Khakha, aged about 33 years, caste- Christian, occupation Government servant (Teacher), resident of Om Nagar, Jarhabhata, Bilaspur (CG)

Versus

Respondents

1. State of Chhattisgarh, Through- Secretary, Department of Revenue, Dau Kalyan Singh Bhawan, Raipur (C.G.)
2. Tahsildar, Bilaspur Distt. Bilaspur (C.G.)
3. The Awasheen Grih Nirman Sahkari Samiti Maryadit, (A Samity registered under Registration No. UPB/70/90) Ameri, Bilaspur Distt. Bilaspur (Chhattisgarh) through – its Chairman. Shri Ayoub Robert Brown, S/o late W.J.Brown, Aged about 51 years, R/o Mangala Tahsil & Distt – Bilaspur (C.G.)
4. Dena Bank Through :- Chief Manager/Authorized Officer, Regional office, Raipur (C.G.)
5. Cent Bank Home Finance Limited through :- Branch Manager Surya Bhawan Main Road Juna Bilaspur Distt-Bilaspur

WRIT PETITION UNDER ARTICLE 226 OF THE COSTITUTION OF INDIA

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SB: Hon'ble Mr. Justice **Satish K. Agnihotri**

Shri Mehfooj Alam, Advocate for the petitioners.
Miss Deepali Pandey, Panel Lawyer for the respondents No. 1 and 2.
Shri P. S. Koshy, Advocate for the respondent No.4.
Shri Mateen Siddque, Advocate for the respondent No.5.

ORDER

(Passed on this 1st day of May, 2007)

1. The respondent No.3 society, namely Avasheen Grih Nirman Sahkari Samiti Maryadit (for short 'the Society') is registered under the provisions of Chhattisgarh Cooperative Societies Act, 1960 (for short 'the Act, 1960'). The main dispute, raised in this petition, is that the Society has obtained loan from the respondents No.4 and 5, mortgaging the entire property, without consent of the petitioners, who are member of the society. The petitioners have never applied for any loan and have paid the installments with their own arrangements.

2. Be that as it may, it involves disputed questions of facts, which can be resolved by the Registrar, Cooperative Societies, in exercise of its powers under Section 64 of the Act, 1960. Learned counsel appearing for the petitioners submits that despite representations made to the Registrar, Cooperative Societies, no action has been taken so far.

3. In view of the nature of the case and the disputed facts involved, and for proper adjudication of the case, it would be just and proper to direct the Registrar, Cooperative Societies, to resolve the dispute involved herein this petition, in exercise of his powers under Section 64 of the Act, 1960. The petitioners are at liberty to make an application within a period of 15 days from today to the Registrar,

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Cooperative Societies, raising all their grievances, for adjudication, in accordance with law, with an application for stay of the recovery against the petitioners.

4. In view of the foregoing, this petition is disposed of. However, no coercive steps be taken by the respondents against the petitioners, for 15 days from the date of this order.

Sd/-
Satish K. Agnihotri
Judge

Thakur